

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GILBERT SPENCER, III

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Derek R. Layser & Brett J. Kaminsky
Friedman Schuman, P.C., 101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046, 215-635-7200

DEFENDANTS

PRINCETON UNIVERSITY

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332(a)(1)

Brief description of cause:

Negligence of defendants

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

11/26/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Derek R. Layser

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GILBERT SPENCER, III

Plaintiff

v.

PRINCETON UNIVERSITY;
MUNICIPALITY OF MERCER COUNTY;
MUNICIPALITY OF PRINCETON
JOHN DOES 1-3; and ABC, INC. 1-3

Defendants

CASE NO.: _____

CIVIL ACTION

JURY TRIAL DEMANDED

CIVIL ACTION-COMPLAINT

I. NATURE OF ACTION

1. Plaintiff, Gilbert Spencer, III, a student at Princeton University, Class of 2022, brings this action against Defendants, Princeton University; Municipality of Mercer County; Municipality of Princeton; John Does 1-3; and ABC, Inc. 1-3, as a result of an injury that occurred on the campus of Princeton University on December 10, 2018.

II. PARTIES

2. Plaintiff, Gilbert Spencer, III is a resident of the State of New York with a home address of 36 Arista Drive, Suite 200, Dix Hills, NY 11746, however, during the relevant time period, was student at Princeton University.

III. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) and there is complete diversity of citizenship among the parties.

4. Venue is properly laid in the District of New Jersey because the subject accident occurred in and most of the witnesses are located in Somerset County, New Jersey.

5. Plaintiff demands a trial by jury.

IV. OPERATIVE FACTS COMMON TO ALL COUNTS

6. On Monday, December 10, 2018, Plaintiff, Gilbert Spencer, III (hereinafter “Plaintiff”), (DOB: January 7, 2000), a student at Princeton University, was lawfully on the premises of Princeton University.

7. Plaintiff was riding his bicycle heading south along Washington Road, north of Goheen Walk.

8. During his ride, Plaintiff, riding lawfully on the roadway, drove over a poorly maintained sewage grate (*picture below*), launching him from his bicycle to the ground, face first.



9. Princeton First Aid and Rescue Squad (PFARS) were dispatched at 1616 hours, and transported Plaintiff to Princeton Medical Center.

10. At the time and place of the incident at issue, Defendants, Princeton University; Municipality of Mercer County; Municipality of Princeton; John Does 1-3; and ABC, Inc. 1-3,

owned, operated, leased, maintained, controlled and were otherwise responsible for the condition of said premises, including but not limited to, its roads.

11. The above-named Defendants, their agents, servants and employees, as well as independent contractors, were careless, negligent, and/or reckless in the ownership, operation, leasing, maintenance, inspection and/or control of said premises, so as to cause a dangerous and hazardous condition to exist thereon, and for their failure to take reasonable steps to remedy a dangerous condition on said premises, and for their failure to warn of a known danger on said premises, and were otherwise negligent.

12. Due to the negligence, gross negligence, carelessness, and/or recklessness of the aforementioned Defendants, Plaintiff, Gilbert Spencer, III, was caused to fall on Defendants' premises, resulting in severe and permanent injuries.

13. As a direct result of the negligent and careless conduct, acts and/or omissions on the part of the defendants, Plaintiff, Gilbert Spencer, III suffered the following injuries, conditions and damages, some or all of which may be permanent in nature:

- (a) Permanent scarring;
- (b) Dental implants;
- (c) Numerous dental procedures;
- (d) severe, permanent disabling injuries;
- (e) serious disfigurement;
- (f) pain and suffering;
- (g) missed classes and school work;
- (h) humiliation;
- (i) embarrassment;

- (j) related fears from riding his bicycle on campus;
- (k) extensive medical treatment for his injuries;
- (l) medical expenses;
- (m) emotional distress;
- (n) anxiety;
- (o) loss of wages and impairment of earnings capacity;
- (p) other economic damages;
- (q) loss of life's pleasures; and
- (r) other injuries and conditions as documented in his medical records.

COUNT I
Negligence
Plaintiff v. Defendants

14. Plaintiff incorporates by reference the averments contained in the above paragraphs as though fully set forth herein at length.

15. At all times relevant hereto, Defendants, owned, operated, leased, maintained, controlled and were otherwise responsible for the condition of said premises, including but not limited to, its roads and were therefore responsible for the safety of all those using those roads.

16. Plaintiff Gilbert Spencer, III's injuries and damages were caused by the negligent and careless conduct, acts and/or omissions on the part of the Defendants, by and through their employees, agents, servants and/or workmen, in:

- (a) Failure to properly maintain its roadways;
- (b) Failure to properly maintain its grate system;
- (c) Failure to prevent harm to those using the roadways, such as Gilbert Spencer, III;
- (d) Failure to prevent severe and permanent injuries to those using the roadways, such as Gilbert Spencer, III;

- (e) Failure to provide adequate warnings and/or precautions for dangers on its premises;
- (f) Failure to prevent dangers on its roadways;
- (g) Failure to maintain areas surrounding grate system;
- (h) Failure to properly monitor its roadways;
- (i) Failure to properly monitor its grate system; and
- (j) Such other negligent and careless conduct, acts and/or omissions as may be revealed upon further investigation and/or discovery in this action.

WHEREFORE, Plaintiff, Gilbert Spencer, III, hereby demands judgment against Defendants, Princeton University; Municipality of Mercer County; Municipality of Princeton; John Does 1-3; and ABC, Inc. 1-3, jointly and severally, for all actual and compensatory damages in an amount in excess of the prevailing federal arbitration limit, together with such other relief as this Honorable Court deems just and proper under the circumstances.

FRIEDMAN SCHUMAN, P.C.



Date: 11/26/2019

By: _____

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